

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY PATRICK McENANY,

Petitioner

v.

DAVID DIGUGLIELMO,

Respondent

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CIVIL NO. 3:CV-05-1160

(Judge Kosik)

ORDER

____ **NOW, THIS 21st DAY OF DECEMBER, 2005, IT IS HEREBY ORDERED AS**

FOLLOWS:

1. Within twenty (20) days of the date of this order, respondent shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:
 - a. state whether the petitioner has exhausted state remedies available under state law with respect to each claim presented, including any post-conviction remedies;
 - b. be accompanied by those portions of any transcripts the respondent deems relevant to disposing of the claims raised in the petition;
 - c. indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
 - d. be accompanied by copies of any of the petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a post-conviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.

2. Respondent shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.
3. Petitioner shall, if he so desires, file a reply brief within fifteen (15) days of receipt of the respondent's filings.
4. A determination whether the petitioner should be produced for a hearing will be held in abeyance pending the filing of respondent's answer and memorandum of law, and, if any, the petitioner's reply.

s/Edwin M. Kosik
United States District Judge